



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 1632
GELFAND et al.)
Serial No.: 10/808846)
Filed: March 24, 2004)
Atty. File No.: 2879-68-1)
For: "MODULATION OF $\gamma\delta$ T CELLS)
TO REGULATE AIRWAY)
HYPERRESPONSIVENESS")

INFORMATION
DISCLOSURE STATEMENT

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>12/2/04</u> SHERIDAN ROSS P.C. BY: <u>Charles McMinis</u>	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- Copies of the cited non-patent and/or foreign references are enclosed herewith.
- Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.
- Copies of the cited references are not enclosed, in accordance with 37 CFR 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. 09/672,865 filed September 28, 2000, which is relied upon for an earlier filing date under 35 U.S.C. § 120.
- To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____

Serial No. _____ filed _____

Other: _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ol style="list-style-type: none">(1) a final action under 37 CFR 1.113 or(2) a notice of allowance under 37 CFR 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><input type="checkbox"/> A Certification (below) as specified by 37 CFR 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. OR<input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.

37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).

This information Disclosure Statement includes a Certification (below) as specified by 37 CFR 1.97(e)

AND

Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 CFR 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.

Certification (37 CFR 1.97(e))
(Applicable only if checked)

The undersigned certifies that:

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 CFR 1.97(e)(1).

A copy of the communication from the foreign patent office is enclosed.

OR

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement. 37 CFR 1.97(e)(2).

Respectfully submitted,

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Date: December 2, 2004

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 2879-68-1	SERIAL NO. 10/808,846
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT GELFAND et al.	
		FILING DATE March 24, 2004	GROUP ART

*O I P E JCSB
DEC 00 2004
PATENT OFFICE*

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	5,185,250	2/9/93	Brenner et al.	435	69.3	
	2	5,340,921	8/23/94	Brenner et al.	530	350	
	3	5,601,822	2/11/97	Brenner et al.	424	144.1	
	4	5,639,653	6/17/97	Bloom et al.	514	102	
	5	6,086,898	7/11/00	DeKruyff et al.	424	275.1	
	6	6,429,199	08/2002	Krieg et al.	514	44	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	7	WO 99/37319	7/1999	PCT				

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

8	Bertotto et al., <i>Acta Paediatr.</i> 86:114-5 (1997)
9	Blond-Elguindl et al., <i>Cell</i> , 75:717-726 (1993)
10	Boismenu et al., <i>Science</i> , 266:1253-1255 (1994)
11	Born et al., <i>Science</i> , 249:67-69 (1990)
12	Cady et al., <i>J. Immunol.</i> , 165:1-9 (2000)
13	Chen et al., <i>Clin. Exp. Allergy</i> , 26:295-302 (1996)
14	Fajac et al., <i>Eur. Respir J.</i> , 10:633-638 (1997)
15	Fu et al., <i>Proc. Natl. Acad. Sci. USA</i> , 90:322-326 (1993)
16	Fu et al., <i>J. Immunol.</i> , 152:1578-1588 (1994)
17	Fu et al., <i>J. Immunol.</i> , 153:3101-3115 (1994)
18	Fujihashi et al., <i>J. Exp. Med.</i> , 175:695-707 (1992)
19	Hiromatsu et al., <i>J. Exp. Med.</i> , 175:49-56 (1992)

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 <i>O I P E S C</i> DEC 06 2004 U.S. PATENT & TRADEMARK OFFICE	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2879-68-1	SERIAL NO. 10/808,846
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20	Jaffar et al., <i>J. Immunol.</i> , 163 :6283-6291 (1999)
21	Jones et al., <i>Prog. Growth Factor Res.</i> , 1 :107-22 (1989)
22	Krejsek et al., <i>Allergy</i> , 53 :73-77 (1998)
23	Lahn et al., <i>J. Immunol.</i> , 160 :5221-5230 (1998)
24	Martin et al., <i>Am. J. Physiol. Lung Cell Mol. Physiol.</i> , 280 :L595-601 (2001)
25	McMenamin et al., <i>Science</i> , 265 :1869-1871 (1994)
26	Molfino et al., <i>Clin. Exp. Immunol.</i> , 104 :144-153 (1996)
27	Munk et al., <i>Int'l Immunol.</i> , 9 (5):713-720 (1997)
28	Nebert et al., <i>Biochemical Pharmacol.</i> , 53 :249-54 (1997)
29	O'Brien et al., <i>Proc. Natl. Acad. Sci. USA</i> , 89 :4348-4352 (1992)
30	Pawankar et al., <i>J. Allergy Clin. Immunol.</i> , 98 :S248-62 (1996)
31	Schauer et al., <i>Clin. Exp. Immunol.</i> , 86 :440-443 (1991)
32	Schramm et al., International Conference of the American Thoracic Society; 159 :A255 (American Journal of Respiratory and Critical Care Medicine, San Diego, California)
33	Schramm et al., <i>Am. J. Respir. Cell Mol. Biol.</i> , 22 :218-225 (2000)
34	Spinozzi et al., <i>Mol. Med.</i> , 1 (7):821-826 (1995)
35	Spinozzi et al., <i>Ann. Intern. Med.</i> , 124 :223-227 (1996)
36	Wagner, <i>Am. J. Physiol Heart Circ Physiol.</i> , 279 :H946-51 (2000)
37	Wheeler et al., <i>J. Appl. Physiol.</i> , 68 :2542-9 (1990)
38	Yanagihara, <i>Allergol Int'l</i> , 48 :111-9 (1999)
39	Zuany-Amorim et al., <i>Science</i> , 280 :1265-1267 (1998)

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